

JPA File No.: 06-101I
AG Contract No.: KR06-1266TRN
Project No.:
Project: Maintenance
Section: US 93 North Gateway
TRACS No.: H661601C
Budget Source Item No.:

INTERGOVERNMENTAL AGREEMENT

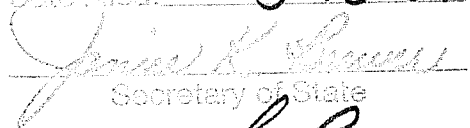
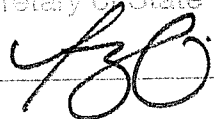
BETWEEN
THE STATE OF ARIZONA
AND
CITY OF KINGMAN

THIS AGREEMENT is entered into this date March 13, 2007, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF KINGMAN, acting by and through its Mayor and City Council (the "City"). The State and the City are collectively referred to as "Parties."

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.
3. The State and the City mutually agree to landscape both sides of US 93 in Kingman, from approximately milepost (MP) 70 to MP 71 herein referred to as the "Project" (a.k.a. US 93 North Gateway). The Project will include the installation of landscaping, within the Project area. The purpose of this Agreement is to define each party's responsibility regarding the design, construction, and maintenance of the Project.
4. Upon completion of construction, the City shall provide for, at its own cost and as an annual item in its budget for perpetual and proper maintenance of all landscape improvements, including, but not limited to landscaping. Landscape maintenance shall consist of the care of all landscaping in accordance with accepted horticultural practices, keeping all areas free of weeds, undesirable grasses and litter, furnishing and applying insecticide/herbicide sprays and dust to combat diseases and other pests, pruning and replanting as required to maintain the landscaping as it was designed, and established at the completion of the landscape establishment phase of the Project.

THEREFORE, in consideration of the mutual Agreements expressed herein, it is agreed as follows:

NO. 28784
Filed with the Secretary of State
Date Filed: 3-13-07

Secretary of State
By: 

II. SCOPE OF WORK

1. The State shall:

a. The State will prepare landscape architectural design plans for the Project and submit them to the City for concurrence.

b. Advertise for bids and award one or more construction contract(s) for the Project. Administer same and make all payments to the contractor(s).

c. Not be obligated to maintain this Project, should the City fail to budget or provide for proper and perpetual maintenance as set forth in this Agreement.

2. The City shall:

a. Maintenance will be difficult in this area and the City will make every effort to minimize traffic congestion and interference with through traffic. All traffic control will meet the requirements of the Arizona Department of Transportation's "Uniform Traffic Control Manual."

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this agreement shall remain in full force and effect for a period of five (5) years from the effective date, unless this agreement violates any Arizona law, rule or regulation, either now enacted or which may be enacted in the future. This agreement will be automatically renewed for successive periods of five (5) years unless either party shall give notice in writing to the other not less than one (1) month nor more than three (3) months prior to the initial or renewed expiration date. Further, this agreement may be terminated by the State at any time upon sixty (60) days written notice. It is understood and agreed that, in the event this agreement is cancelled by the City, the State shall in no way be obligated to maintain the said project

2. This Agreement shall become effective upon filing with the Secretary of State.

3. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

4. The provisions of Arizona Revised Statutes § 35-214 are applicable to this Agreement.

5. In the event of any controversy, which may arise out of this Agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

6. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 616E
Phoenix, Arizona 85007
(602) 712-7525
(602) 712-7424 Fax

City of Kingman
Attn: Rob Owen
310 N. 4th Street
Kingman, AZ 86401
(928) 753-8733
(928) 753-6867

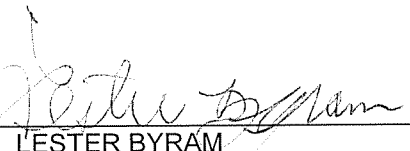
7. This Agreement is subject to all applicable provisions of the Americans with Disability Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

8. Non-Availability of Funds: Every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

9. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

CITY OF KINGMAN


By 
LESTER BYRAM
Mayor

STATE OF ARIZONA

Department of Transportation

By 
MICKIE FRANKLIN
Joint Project Administration Manager

ATTEST:

By 
DEBBIE FRANCIS
Clerk

G:06-101-Kingman-US 93 North Gateway-20 September 2006-cc

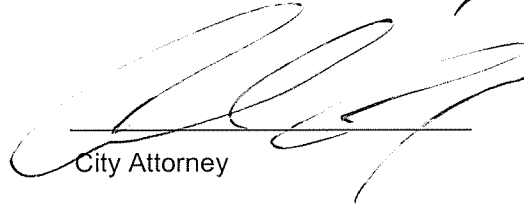


ATTORNEY APPROVAL FORM FOR THE CITY OF KINGMAN

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the City, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 6th day of February, 2007.



City Attorney

CITY OF KINGMAN

5:00 P.M.

Minutes

Monday February 5, 2007

Members:	Officers:	Visitors Signing In:
L. Byram, Mayor	C. Cooper, City Attorney	See attached list
D. French, Vice Mayor	P. Beecher, City Manager	
J. Watson	D. Francis, City Clerk	
T. Carter	J. Marshall, Deputy City Clerk	
K. Deering	C. Loyd, Finance Director	
R. Lyons	G. Jeppson, Development Services Director	
T. Spear	G. Henry, City Engineer	
	R. Owen, Special Projects Admin	
	J. Weir, Economic Development Director	
	J. Clos, IT Director	
	J. Kramer, Public Works Director	
	D. Woslagel, Water Conservation Officer	
	C. Osterman, Fire Chief	
	D. Fruhwirth, Parks & Rec. Director	

WORK SESSION MEETING OF THE COMMON COUNCIL

ALL WORK-SESSION ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN OR WILL BE TAKEN. The primary purpose of work session meetings is to provide the City Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the Agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item if invited by the Mayor or City Manager to do so. The Mayor may limit or end the time for such presentations.

CALL TO ORDER & ROLL CALL

Roll call was taken and all Council Members were present. Mayor Byram was delayed due to a prior commitment and joined the meeting at 5:35 P.M.

1. Water Service Boundaries---Rob Owen and Jack Kramer

Paul Beecher, City Manager, stated that an extensive look into water service boundary extensions has been going on for a number of years. Rob Owen, Special Project Admin, stated that the existing water service boundaries are approximately 66 square miles. Mr. Owen further stated that over the last few years, several extensions have been granted to developments. Mr. Owen presented maps of the existing water service boundaries and maps of the proposed expanded water service boundaries. Jack Kramer, Public Works Director, stated that there are two wells in the north portion of the expanded boundary area that were purchased in 1996, Bank Street Well and Badger Well.

Councilmember Watson asked what the benefit would be to the citizens of Kingman. Mr. Owen stated that this expansion will give the council more control over the new water companies and any new water systems that are developed in this area. Mr. Owen stated that it will also allow the City to control the Vaughn Ranch water supply. Councilmember Spear stated that eventually we will have to compete with the other water service companies in this area and gaining control now would be beneficial. Councilmember Watson asked what would be the City's obligation to this area if the boundaries were expanded. Carl Cooper, City Attorney, stated that by expanding the boundary, it does not mean the City is required to

provide water to that area. Mr. Cooper further stated that the City would not have absolute control over the area, meaning that other water service companies can provide water service in these areas. Mr. Beecher stated that water is our most precious commodity and the best way to protect this, is to expand the boundaries. Mr. Beecher further stated that the City would be in a better position by developing in the expanded water service boundary. Mr. Beecher stated that if multiple companies are servicing an area, then none of these companies can be sure what is happening with the aquifer.

Councilmember Deering asked if by expanding the boundaries, developers will have the potential to build beyond the capacity of the water supply. Mr. Beecher stated that if the development is in the County then there would most likely be an agreement written up at the time of development between the County and City. Councilmember Spear stated that in the past we have dealt directly with the developer on these issues. Councilmember Carter stated that one of the possibilities from the outcome of the water study is that all wells will need to be metered. Councilmember Carter stated that by expanding the boundaries the City can play a roll in how these water study outcomes are acted upon. Vice Mayor French stated that by expanding the boundaries it merely means that the City is interested in developing, protecting and sharing the water resources in those areas. Mr. Beecher stated that if the City cannot dictate density, then we need a good voice with the County. Mr. Beecher further stated that the County is more interested in growth then the City due to county tax revenue. Councilmember Carter asked in reference to the boundary map, if the area listed as future expansion is included in the proposed expansion. Mr. Beecher stated no, it is not included now, but could be looked at in the future. Councilmember Carter stated that it should be included now. Councilmember Watson asked if the Vaughn Ranch is included in the expanded boundaries. Mr. Kramer stated yes, in the corner of section one. Councilmember Spear stated that the issues of supply versus demand are more dependent on population then density. Councilmember Deering stated that working with the County is essential due to density. Mr. Beecher stated that if the population projection is still holding true, by 2035 1.3 million people will live in northwest Arizona, making it the third highest populated area in Arizona. Councilmember Carter stated that with the expansion the City would have the ability to control the amount of water used by each person if water rationing was needed.

2. Sale of Well Sites---Rob Owen and Jack Kramer

Paul Beecher stated that the area within the Rhodes home development contains wells owned by the City that cannot be traded. Jack Kramer stated that there are 6 wells in total, 4 directly in the middle of the development. Councilmember Deering asked if the water study has been completed. Rob Owen stated no. Councilmember Spear asked if there are other well sites that we can buy once these are sold. Mr. Beecher stated that at this point that is not a move that is advisable, because the City already owns 40 well sites in that area. Councilmember Deering asked if leasing the well was an option. Carl Cooper, City Attorney, stated it depends on who the lease would be with and what would the property be used for. Mr. Cooper further stated that the City can only convey these properties as well sites. Councilmember Watson asked if the sites can be leased and the mineral rights reserved. Mr. Cooper stated that this land can only be used for a well site, and therefore cannot be leased for any other uses.

Councilmember Spear stated that there should be other properties that may have the same ability to function as well sites. Councilmember Spear further stated that we don't know what the water availability is on any of these well sites. Mayor Byram asked if these sites are any more valuable then any of the other 40 well sites. Mr. Kramer stated that there may be others that could be better. Councilmember Deering stated that the developer is doing what he wants with the land anyway.

Mayor Byram asked if there are restrictions on what can be done with the money earned from selling the well sites. Mr. Beecher stated that the money would have to go back into the utility funds or the water funds. Mayor Byram stated that this money could then be used to purchase new well sites. Mr. Beecher stated yes. Councilmember Watson asked who gave these well sites to the City. Mr. Kramer stated that the land was given by Page Land and Cattle Company.

Councilmember Deering stated that we do not have current right of ways for any of the other well sites and risk the same issues with future developers. Mayor Byram stated that the developers are building much faster than anticipated. Mayor Byram further stated that the City needs to begin looking into protecting these other well sites.

3. Kingman Crossing Legal Representation---Andrew McGuire

Carl Cooper stated that research has been completed on which firm should represent the City during the upcoming transactions during the development of Kingman Crossing. Mr. Cooper introduced Andrew McGuire with Gust Rosenfeld from Phoenix.

Andrew McGuire stated that he represents the largest municipal law firm in the state. Mr. McGuire further stated that his firm currently represents Avondale, Buckeye, Tolleson, Parker, and Fountain Hills on a full time basis. Mr. McGuire stated that the firm has many years of expertise in land development. Mr. McGuire stated that the firm acts as a leveling field between the City and the developer. Mr. McGuire further stated examples of developments that the firm has handled include shopping malls, auto malls, and Hilton Hotels.

Mayor Byram stated that the firm is well known and the Council will need some time to study the information prior to making a decision.

Councilmember Watson made a MOTION to ADJOURN. Councilmember Carter SECONDED and the MOTION to ADJOURN was UNANIMOUSLY APPROVED.

ADJOURNMENT

**6:00 P.M. (or immediately
following the Work Session)**

AMENDED AGENDA

Monday, February 5, 2007

REGULAR MEETING OF THE COMMON COUNCIL

CALL TO ORDER & ROLL CALL

Mayor Byram called the meeting to order at 6:09 p.m. and roll call was taken. All Council Members were present. The Invocation was given by Pastor Joseph Gormany of the Church of Christ, after which the Pledge of Allegiance was said in unison.

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A)(3) TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

1. APPROVAL OF MINUTES (Work Session and Regular meeting of January 16, 2007 and Work Session Meeting of January 25, 2007)

Councilmember Spear made a MOTION to APPROVE the meeting minutes from January 16, 2007 and January 25, 2007. Councilmember Carter SECONDED and the minutes were UNANIMOUSLY APPROVED.

2. CERTIFICATE OF APPRECIATION

As a token of appreciation for his service to the community, presentation of a plaque to James Chapman for his service on the Planning and Zoning Commission. Commissioner James Chapman has served on the Planning and Zoning Commission from January 1, 2005 to December 31, 2006. Commissioner Chapman has served well and faithfully in advocating improved services and amenities for the betterment of the citizens.

Mayor Byram presented the award while Vice Mayor French read a summary.

Mayor Byram requested that the amended agenda item 10 be moved in front of the consent agenda.

10. APPOINTMENTS

Economic and Tourism Development Commission (ETDC)

Two ETDC members Ms. Krystal Burge and Ms. Barbara Gruhl, have terms which have expired as of December 31, 2006. They have both expressed an interest in being reappointed to another term. The following individuals are also interested in appointment to the 2 commission seats: Ms. Janie Daughtrey, Ms. Jenice Vandagriff, Ms. Laura Albert, Mr. Craig McKee, Ms. Andrea Ott, Ms. Jane Havern, and Ms. Kari Jo Hill. **Staff requests council appoint two individuals for the 2 expired ETDC seats.**

Vice Mayor French made a MOTION to reappoint Krystal Burge to an additional term and appoint Kari Jo Hill to a first term on the Economic and Tourism Development Commission (ETDC). Councilmember Deering SECONDED and the reappointment of Krystal Burge and appointment of Kari Jo Hill were UNANIMOUSLY APPROVED.

3. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments should be limited to no longer than 5 minutes.

The Public Hearing was opened. Citizen comments included –

Mike Bihuniak, R.A.I.D. organization, 4116 Airway Avenue, stated that the meetings of the Planning and Zoning Commission should be videotaped and recorded. Mayor Byram stated that the recording system will be installed in the Council Chambers and should be operational by March.

Harley Petit, 3787 Dakota, stated that the article in the newspaper that referred to \$70,000.00 to be spent on the fix at the intersection of Airway and Diamond is throwing money away. Mr. Petit further stated that the intersection at Castle Rock and Airway should be used instead.

The Public Hearing was closed.

4. CONSENT AGENDA

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

a) Increase of consultant fees

An approximate \$12,500.00 increase of consultant fees for oversight of the drilling, construction, and testing of three City of Kingman wells (Rattlesnake, Well 10, and Well 11). The original amount of \$80,000.00 approved at the May 15, 2006 meeting was an approximate amount. **Staff recommends approval.**

b) Resolution 4388 – Declaring as a Public Record the 2007 Amendments to the Tax Code of the City of Kingman

The Arizona Department of Revenue has requested we update the Kingman Model City Tax Code with 2007 amendments. The adoption of this ordinance is considered a "housekeeping" item and is necessary for the City of Kingman to remain in compliance with the model city tax code as administered for us by the Department of Revenue. This resolution simply declares as a public record the document entitled "The 2007 Amendments to the Tax Code of the City of Kingman." **Staff recommends approval.**

- c) **Ordinance 1561 – 2007 Amendments to the Tax Code of the City of Kingman**
The Arizona Department of Revenue has requested we update the Kingman Model City Tax Code with 2007 amendments. The adoption of this ordinance is considered a "housekeeping" item and is necessary for the City of Kingman to remain in compliance with the model city tax code as administered for us by the Department of Revenue. **Staff recommends approval.**
- d) **JPA – 06-1011 US 93 North Gateway landscaping project**
The ADOT Kingman District Office was awarded a transportation enhancement fund application for a landscaping project on US 93 (West Beale Street) from the I-40 interchange to Coyote Pass. The project originally included landscaping and irrigation. The Council approved an IGA for this project at their meeting on January 2nd. That agreement specified that the City would be responsible for furnishing water and maintaining the irrigation system. Due to rocky soil conditions, irrigation has been deleted. The plant list is being revised to include only low water use plants. The new IGA does not include water for irrigation or maintenance of the system under the City's scope of work. **Staff recommends approval.**
- e) **Resolution 4367**
A request from William T. Miller Engineering Associates, Inc., project engineer and applicant, and Peterson Rancho Norte Quarenta, LLC, owner, for the approval of a final subdivision plat and improvement plans for Memorial Peterson North 40, Tract 6022, a residential and commercial subdivision. The subject property is zoned R-R, R-2, C-1 and C-2 and is 47.81 acres with 17 lots and 2 parcels from 0.77 to 15.25 acres in size. It is located south of Riata Valley Road, west of Western Avenue and north of Airway Avenue. **Staff recommends approval.**
- f) **Resolution 4390**
A request from Mohave Engineering, applicant and owners James and Barbara Fuller, for approval of the final subdivision plat, improvement plans and a property escrow assurance for Rabbit Corner, Tract 6021. The subdivision is 0.82 acres in size with 5 lots, is zoned R-2: Residential, Multiple Family and is located on the west side of North Irving Street north of Kino Avenue. The property is further described as a portion of Lot 1, Block N, of the First Amended Lake Mohave Country Club Estates Unit 2, located in the NE ¼ of Section 6, T21N, R16W, of the Gila and Salt River Base and Meridian, Mohave County, AZ. **Staff recommends approval.**
- g) **Resolution 4391**
Mohave Engineering Associates, developer on behalf of Bob England, owner, in Trust with First American Title, is requesting the approval of final subdivision plat, construction plans and accepting assurances for Hualapai Foothill Estates, Tract 3003-G, a 66.75 acre subdivision. The subdivision is located east of Omaha Drive between Dakota and Cheyenne Avenue. **Staff recommends approval.**
- h) **Resolution 4396**
The Superintendent of Streets has certified that the work for the Airway Avenue Railroad Crossing Improvement District was completed on January 23, 2007. Resolution 4396 sets the date for the hearing on the assessment to March 5, 2007 at 6:00P.M. Resolution 4396 further directs staff to publish notice of the hearing in the paper and mail copies of the notice to property owners subject to assessment. **Staff recommends approval.**
- i) **Resolution 4378**
Ken Herskind for Kitagawa LLC owner, is requesting a new final plat for the area covered by the existing La Costa, Tract 6000, on their property on the west side of Harvard adjoining Wilshire and Anson Smith. The density is in accord with the general plan, as previously amended. It would also allow the individual units (130) in the duplexes and triplexes to have the capability of being sold individually on their own lots. Each lot would be smaller than the usual R-2 property, but would normally be allowed

under the PDD standards. The existing number of allowed units in the total development would not change. All subdivision related improvements have been completed, including extensive improvements to Wilshire. It is noted that the applicant has signed the ARS12-1134 waiver. **Staff recommends approval.**

j) **Resolution 4381**

This is a request from Kingman Associates 3, LLC, property owner, and Jeffrey S. Carlton RLS, project surveyor, to approve a final subdivision plat for Granite Bluffs III, Tract 1996-A. The final plat contains 14 single family residential lots on 9.38 acres. The property is zoned R-1-10: Residential, Single Family, 10,000 square foot minimum, and is located south of Mission Boulevard and west of Granite Bluffs Drive. Lots range in size from 10,000 square feet to 20,178 square feet in size. **Staff recommends approval.**

k) **Resolution 4392**

Shajad Khan, owner is requesting a new final plat for Windsor Estates, Tract 6030. This property is located off Windsor, east of Eastern Avenue, just south of the I-40 fence line, at Prescott Street. This area is a re-subdivided area of Block 49, Kingman Air Rail Manor, an infill subdivision. Improvements to be installed include curb, gutter, sidewalks, streets and utilities. There is proposed to be a property escrow assurance. All standards have been met and there are no objections to the final plat for these 8 lots. **Staff recommends approval.**

l) **Transfer of seized Mohave Area General Narcotics Enforcement Team (MAGNET) property to Gila County Sheriff's Office**

MAGNET seized during a narcotics investigation and was awarded by Mohave County Superior Court, a 1998 International tractor and a 1997 Talbert flatbed trailer. Gila County Narcotics Task Force has made a request for the Tractor and Trailer. **The MAGNET Board of Directors has approved this request and recommends the City of Kingman award ownership to the Gila County Sheriff's Office.**

m) **Municipal Utilities Commission Recommendations
Resolution 4397**

The Municipal Utility Commission reviewed a request for water service to eight unsubdivided parcels which are located outside the City Limits and partially outside the Water Service Boundary. The request is from Robert Geringer of Castle Arch Real Estate. The basis for this request is so the developer may obtain a will serve letter from the City which may be presented to the County for processing of subdivision plats. The Utility Commission voted 6-0 to recommend approval of water service to the subject parcels with the condition that additional water service requests be made as subdivisions are platted. **Staff recommends approval.**

n) **Award of Bids**

Parks and Recreation: bid for 22 Golf Carts. **Staff recommends accepting bid from Suncor Industries/Desert Golf Cars in the amount of \$47,594.20.**

Public Works: bid for milling and asphalt for 110,000 square foot asphalt paving. **Staff recommends accepting bid from Desert Construction in the amount of \$804,611.00.**

Councilmember Watson requested Item 4M be removed for discussion.

Vice Mayor French made a MOTION to approve the balance of the consent agenda. Councilmember Spear SECONDED and the balance of the consent agenda was UNANIMOUSLY APPROVED.

(Resolution No. 4388)
(Ordinance No. 1561)
(Resolution No. 4367)
(Resolution No. 4390)
(Resolution No. 4391)
(Resolution No. 4396)
(Resolution No. 4378)
(Resolution No. 4381)
(Resolution No. 4392)

m) **Municipal Utilities Commission Recommendations**
Resolution 4397

The Municipal Utility Commission reviewed a request for water service to eight unsubdivided parcels which are located outside the City Limits and partially outside the Water Service Boundary. The request is from Robert Geringer of Castle Arch Real Estate. The basis for this request is so the developer may obtain a will serve letter from the City which may be presented to the County for processing of subdivision plats. The Utility Commission voted 6-0 to recommend approval of water service to the subject parcels with the condition that additional water service requests be made as subdivisions are platted. **Staff recommends approval.**

Greg Henry, City Engineer, stated that this development has approximately two square miles that is outside the water service boundary and approximately 1.4 miles that is inside the water service boundary. Mr. Henry further stated that the developer will bring back more detailed plans when the development is ready to proceed.

The Public Hearing was opened and Citizens comments included –

Tim Walsh, 2202 Stockton Hill Road, Castle Arch Real Estate, stated that in order to advance with Mohave County, the utility providers must provide proof that the utilities will be serviced to the development. Mr. Walsh further stated that once the development is approved by the County, a more detailed plan will be presented to the Council for approval.

Councilmember Watson asked Mr. Walsh if he believes that this will guarantee water to his development. Mr. Walsh stated no.

Harley Petit, 3787 Dakota Road, stated that there is no benefit to the City and this only adds responsibility and costs to the City. Mr. Petit further stated that the developer should already know the detailed plan for the development.

Councilmember Deering stated that those developments outside of the City limits do pay a higher rate to help with these expenses.

The Public Hearing was closed.

Mayor Byram stated that if the City extends the water service boundary, it will enable the City to control how much growth and water resources are used. Mayor Byram further stated that an additional power plant may be coming and this extension would allow the City to say no if so choosing.

Councilmember Lyons made a MOTION to APPROVE Resolution 4397. Vice Mayor French SECONDED and Resolution 4397 was UNANIMOUSLY APPROVED.

(Resolution No. 4397)

6. **OLD BUSINESS: (for discussion and/or action)**

a) **Appeal of Non Substantial Encroachment Permit – Macrae Glass**

On August 24, 2006, Dr. Macrae Glass submitted an application for a non substantial encroachment permit for development at 2505 and 2535 Hualapai Mountain Road. The applicant requested to construct his parking lot approximately 4 feet into the public right of way. Staff denied this request. The Streets and Sidewalks Regulations allow an applicant who has been denied an encroachment permit to appeal to Council. **Staff recommends that this encroachment permit application be denied.**

Greg Henry stated that this is the site on the North side of Hualapai Mountain Road near Monroe. Mr. Henry further stated that the original encroachment permit was approved to allow the buildings to overlap into the alley by 1 foot. Mr. Henry stated that this appeal is in connection with the second encroachment permit to allow a parking lot to overlap into the right-of-way.

Macrae Glass, 4014 Gemstone Avenue, stated that the staff has denied the non substantial encroachment permit. Mr. Glass further stated that this type of request has been approved many times in the past. Mr. Glass further stated that he has a list of similar encroachment permits that have been approved in the past. Mr. Glass stated that the alley will also be paved during this project to allow better accessibility to the project.

Councilmember Lyons asked if the building can be built to better fit on the parcel, rather than have the encroachment permit approved. Councilmember Lyons stated that Mr. Glass is using precedence to make a case. Mr. Glass stated that he is only asking for the Council to consider his request. Councilmember Watson asked how many of the permits on the list provided were approved for both front and back encroachment permits. Mr. Glass stated that he did not know, however the Stockmen's Bank is an example of front and back encroachment permit approvals.

Clifford Smith, 701 Stockton Hill Road, engineering representative of Mr. Glass, stated that the Stockmen's Bank had a minor encroachment and a major encroachment, both were approved by Council. Mr. Smith further stated that the City and the developers need to work together.

Chief Osterman stated that the fire department would prefer a wider driveway to allow the fire trucks to enter. Chief Osterman further stated that the fire department's comments were directed primarily towards the driveway width.

Councilmember Lyons made a MOTION to DENY the appeal. Councilmember Spear SECONDED and the appeal was UNANIMOUSLY DENIED.

b) **Authorization to begin legal process for sale of City property.**

The City has received a request for the purchase of city-owned property, six undeveloped well sites, each approximately one acre in size. The properties are located in Section 3, and Section 10, T20N, R18W, in Golden Valley. In accordance with ARS 9-402, staff is requesting authorization with the legal process for sale of these properties. A minimum acceptable bud will be determined, legal ads run, and bids opened. Council will have the final decision on accepting or rejecting any bids for these properties at a later meeting. **Staff recommends authorizing proceeding with the sale of these properties.**

Councilmember Carter stated that the original proposed sale was only for four sites. Mr. Kramer stated that it can be sold as four or six. Mr. Beecher stated that it would be advisable to not set a minimum bid on this sale.

The Public Hearing was opened. Citizen comments included –

Harley Petit, 3787 Dakota Road, stated that he is opposed to the selling of these sites. Mr. Petit further stated that this is a big issue and should be placed on a ballot.

Gwen Gillman, 2125 Seneca, stated that Mr. Beecher believes that Rhodes development will be using these wells for a golf course. Ms. Gillman further stated that if the City owns these sites, then maybe the sites should be fenced. Ms. Gillman asked how much money the sites are worth. Mr. Beecher stated that the monetary amount will not be known until the bids come in. Mayor Byram stated that if the bids are too low then the City will simply not accept them. Ms. Gillman asked if the sites must remain well sites for eternity. Vice Mayor French stated that the City can only convey the properties as well sites. Mr. Cooper stated that the only person that can take any action adverse to those sites after sale would be the property owners adjacent to the sites, which is Mr. Rhodes. Mr. Cooper further stated that the City does have the right to restrict access by fencing off the property.

The Public Hearing was closed.

Councilmember Spear made a MOTION to APPROVE the sale of 6 well sites. Vice Mayor French SECONDED and the MOTION was DENIED with a vote of 4-3, with Councilmember Carter, Deering, Watson and Mayor Byram voting NAY.

Councilmember Spear made a MOTION to APPROVE the sale of 4 well sites. Vice Mayor French SECONDED and the MOTION to APPROVE the sale of 4 well sites was APPROVED with a vote of 6-1, with Councilmember Carter voting NAY.

7. NEW BUSINESS: (for discussion and/or action)

a) Planning and Zoning Commission Recommendations

1) Public Hearing: Ordinance 1574: Rezoning Case RZ-06-018

A request from Craig Schritter et. al., applicant and property owner, for the rezoning of certain property from R-R: Rural Residential to R-1-6: Residential Single Family, 6,000 square foot lot minimum. The subject property is 225 acres in size and is located north of Grace Neal Parkway and Mohave Community College, east of Roosevelt Street. The property is further described as Government Lots 1-8, Section 19, T22N, R16W of the G&SRM, Mohave County, AZ. The Planning and Zoning Commission recommendation was to approve this request with certain conditions. **Staff recommends approval with certain conditions.**

Gary Jeppson, Director of Development Services, stated that the development will be limited to 4.5 units per acre. Councilmember Carter asked if there would be parks in this development. Mr. Jeppson stated that discussions have been held, however no definite plans have been made.

Mayor Byram stated that it is a tragedy that the working people of Kingman cannot afford to buy new homes and that this development might give these people a chance to own a home.

Mayor Byram asked Craig Schritter if the prices of these homes will be more easily attainable to the working people. Craig Schritter, 749 Mustang Springs, stated that this area will have homes that are more affordable. Mayor Byram asked Mr. Schritter if there would be room for a neighborhood park. Mr. Schritter stated that this is a negotiable issue. Councilmember Watson stated that a development agreement was signed with assurances that the overall average will only be 4.5 houses.

The Public Hearing was opened and after no comments, was closed.

Councilmember Carter made a MOTION to APPROVE Ordinance 1574. Vice Mayor French SECONDED and Ordinance 1574 was UNANIMOUSLY APPROVED.

(Ordinance No. 1574)

2) Public Hearing Resolution 4379: Conditional Use Permit case CU-06-004:

A request from Penny Andrews, applicant, and Robert England, property owner for a conditional use permit to allow a preschool on property zoned R-1-6: Residential, Single Family, 6,000 square foot lot minimum. The subject property is located at 1802 Jefferson Street. The subject property is 8,025 square feet in size and is further described as Lots 8-10, Block 5, Kingman Metropolitan Addition, Unit 2, Section 18, T21N, R16W, of the G&SRM, Mohave County, AZ. The Planning and Zoning Commission recommendation was to approve this request. **Staff recommends approval.**

Gary Jeppson stated there have been no objections on this rezoning. Mr. Jeppson further stated that a waiver has been signed.

The Public Hearing was opened and after no comments, was closed.

Councilmember Spear made a MOTION to APPROVE Resolution 4379. Councilmember Lyons SECONDED and Resolution 4379 was UNANIMOUSLY APPROVED.

(Resolution No. 4379)

3) Public Hearing: Ordinance 1572: Rezoning Case RZ-06-019

A request from Kitigawa, LLC/Kenneth Herskind, applicant and property owner, to modify the R-2-PDD: Residential, Multiple Family, Low Density Planned Development District to allow changes to certain setbacks and different property ownership methods from that approved in the original PDD plan. The subject property is 12.85 acres in size and is located north of Wilshire Avenue, east of Harvard Street and west of N. Fairfax Street. The property is further described as a Portion of the SE ¼ of Section 12, T21N, R17W, of the G&SRM, Mohave County, AZ. The Planning and Zoning Commission recommendation was to approve this request. **Staff recommends approval.**

Gary Jeppson stated this is a modification of the current plan development district standards on this project. Mr. Jeppson further stated that the number of lots will not be increased. Mr. Jeppson stated that a waiver has been signed.

The Public Hearing was opened and after no comments, was closed.

Councilmember Spear made a MOTION to APPROVE Ordinance 1572. Councilmember Lyons SECONDED and Ordinance 1572 was UNANIMOUSLY APPROVED.

(Ordinance No. 1572)

4) Public Hearing: Ordinance 1573: Rezoning Case RZ-06-017

A request from Robert Carlson, applicant, and Kingman Academy of Learning, property owner, for the rezoning of certain property from R-4: Residential, Multiple Family, High Density to C-2: Commercial, Community Business. The subject property is 1.26 acres in size and is located along the west side of Burbank Street, south of Airway Avenue and north of Centennial Park. The property is further described as Parcel "A", Government Lot 2, Section 7, T21N, R16W of the G&SRM, Mohave County, AZ. The Planning and Zoning Commission recommendation was to approve this request. **Staff recommends approval.**

Gary Jeppson stated this will allow the new district office for the Kingman Academy of Learning to be built on Burbank Street. Mr. Jeppson further stated that all rezoning items on the agenda have a signed waiver.

The Public Hearing was opened and after no comments, was closed.

Vice Mayor French made a MOTION to APPROVE Ordinance 1573. Councilmember Carter SECONDED and Ordinance 1573 was UNANIMOUSLY APPROVED.

(Ordinance No. 1573)

5) Public Hearing: Ordinance 1562: Rezoning Case RZ-07-002

Consideration of a request from Scott Dunton, applicant and property owner, to rezone certain property from R-1-10: Residential, Single Family, 10,000 square foot lot minimum to C-2-HMR: Hualapai Mountain Road Overlay District to allow for the development of commercial office and retail uses. The subject property is 2.34 acres in size and is located along the south side of Hualapai Mountain Road, west of Adams Street. The property is further described as a Portion of the S ½ of the NE ¼ of Section 19, T21N, R16W, of the G&SRM, Mohave County, AZ. The Planning and Zoning Commission recommendation was to approve this request. **Staff recommends approval.**

Gary Jeppson stated that this rezoning will align this property with the zoning of surrounding properties.

The Public Hearing was opened and after no comments, was closed.

Councilmember Deering made a MOTION to APPROVE Ordinance 1562. Councilmember Spear SECONDED and Ordinance 1562 was UNANIMOUSLY APPROVED.

(Ordinance No. 1562)

6) Public Hearing: Resolution 4389: Subdivision Case SB-06-0035

Consideration of a request from Mohave Engineering, Inc., project engineer, and Stockton Airway Center, LLC, property owner, for approval of a preliminary plat for Stockton Airway Center, Tract 6007. The proposed subdivision has 11 lots on 11.83 acres zoned C-3: Commercial, Service Business. The subject property is located north of Sycamore Avenue, south of Airway Avenue and west of Stockton Hill Road. Access into the subdivision will be via 30' wide ingress and egress easements which will essentially act as private streets to be maintained by the property owners. The property is further described as a Portion of Government Lot 4, Section 7, T21N, R16W, of the G&SRM, Mohave County, AZ. The Planning and Zoning Commission recommendation was to approve this request with certain conditions. **Staff recommends approval with certain conditions.**

Gary Jeppson stated that this property is located behind Walgreen's and Blockbuster and this development will assist in the widening of Airway Avenue.

Councilmember Watson asked if the certain conditions were listed. Mr. Jeppson stated yes on page seven of the staff report.

The Public Hearing was opened and after no comments, was closed.

Councilmember Carter made a MOTION to APPROVE Resolution 4389. Councilmember Deering SECONDED and Resolution 4389 was UNANIMOUSLY APPROVED.

(Resolution No. 4389)

7) Public Hearing: Resolution 4380: Subdivision Case SB-06-036

Subdivision Case SB-06-036: A request from Mohave Engineering Associates, Inc., project engineer, and AM-Pak Enterprises, LLC, property owner, for approval of a preliminary plat for Shalimar Plaza, Tract 1962. The proposed subdivision has 9 commercial lots (7 lots are already received final plat approval) on 13.57 acres zoned C-3: Commercial, Service Business. The remaining portion of this subdivision is being requested to be subdivided into one lot that is 2.73 acres in size and the other is 3.34 acres in size. The subject property is located east of Stockton Hill Road, south of Morrow Avenue, and west of N. Glen Road. The property is further described as a portion of Government Lot 18, Section 6, T21N, R16W, of the G&SRM, Mohave County, AZ. **Staff recommends approval.**

Gary Jeppson stated that this subdivision will provide for future commercial development. Councilmember Carter asked if the widening of Stockton Hill Road will be hindered by this rezoning. Greg Henry stated that there is no additional right of way required on Stockton Hill Road for this rezoning.

The Public Hearing was opened and after no comments, was closed.

Councilmember Deering made a MOTION to APPROVE Resolution 4380. Councilmember Spear SECONDED and Resolution 4380 was UNANIMOUSLY APPROVED.

(Resolution No. 4380)

b) Ordinance 1563

Ordinance 1563 amends the Municipal Utilities Regulations by adopting a revised map, expanding the water service area. The City has received an increasing number of requests for water service to proposed developments outside the existing water service area. These requests have typically been reviewed on a case by case basis. In order to establish consistency and ensure that decisions on water service requests are guided by an overall policy, an expanded water service area is under consideration. The existing water service area is approximately 66 square miles. The proposed water service area is approximately 246 square miles. **Staff recommends approval.**

Greg Henry stated that this Ordinance will adopt a new map for the City of Kingman Water Boundary.

Councilmember Watson asked if the Municipal Utility Commission has been involved with this Ordinance. Jack Kramer stated no, however they were told about the work session meeting.

Mayor Byram stated that by extending the boundaries, it does not guarantee water service to anyone. Mayor Byram further stated that it does give control to the water in those areas.

Councilmember Watson stated that this Ordinance should go before the Municipal Utility Commission (MUC), and that the MUC's involvement in this is important since they have dealt with these issues on a case by case scenario. Mr. Kramer agreed to bring this issue before the Municipal Utility Commission for review.

The Public Hearing was opened and Citizens comments included –

Mike Bihuniak, 4116 Airway Avenue, stated that this ordinance seems to be pushing this issue too hard. Mr. Bihuniak further stated that the Ordinance should be brought before the MUC.

Luis Vega, 2076 Omaha Drive, stated that he is concerned with this expansion. Mr. Vega further stated that the developers are required to do rigorous water studies before developing an area however it appears that the City is not held to these standards. Mr. Vega stated that the City should also have to produce these types of studies.

Mayor Byram stated that the developments in White Hills had not been expected to tap into the Kingman's water aquifer. Mayor Byram further stated that this should raise a red flag that the City needs to expand the boundaries to expand the control of the water rights. Mr. Beecher stated that the developers are required to do the water study prior to developing an area. Therefore prior to any development gaining access to the aquifer they would be required to produce a water study.

The Public Hearing was closed.

Mayor Byram stated that outside of the water service boundary the City is at the mercy of the County, the State and the private water companies.

Dean Woslager, City Water Conservation Coordinator, stated that information is given either informally or formally to developers through the Water Service Commission. Mr. Woslager further stated that the City can't conserve water if we can't control it. Mr. Woslager stated that it is the County's responsibility to oversee the Hualapai Water Study.

Vice Mayor French made a MOTION to TABLE Ordinance 1563 and refer it back to the Municipal Utility Commission. Councilmember Watson SECONDED and Ordinance 1563 was UNANIMOUSLY TABLED.

8. DEPARTMENT REPORTS

Finance---Coral Loyd---set a date for next Council work session for the Capital Improvement Plan

Coral Loyd, Finance Director, stated that the staff will be meeting on Monday February 12th. After reviewing the calendar, the Council agreed on Tuesday February 13, 2007 at 3:30 P.M. for the next work session for the Capital Improvement Plan.

Mayor Byram requested that amended agenda item 11 be moved before Announcements.

11. Resolution 4398

Resolution to designate the date of May 15, 2007 as the date for a special election for Referendum Number REF06-01 to the qualified electors of Kingman, and designating February 14, 2007 as the deadline date for filing of arguments in favor of and/or in opposition to Referendum number REF06-01. Resolution is also to designate the deadline date of April 16, 2007 to register to vote in this Special election. **Staff recommends approval.**

Mayor Byram stated that the election could be held in November and that it may allow for more voters to come out for vote. Mayor Byram further stated that there have been several requests to delay the election until November. Councilmember Spear asked Carl Cooper if there is a difference between the dates. Mr. Cooper stated no there is no legal difference. City Clerk Deborah Francis stated that the available dates will be September 11 and November 6, 2007. Mayor Byram asked the members of R.A.I.D. and the property owner to come forward and state their opinion on the date for the election.

Mike Bihuniak, R.A.I.D., stated that an election in November is fine.

William Bowers, property owner/developer stated that November is fine and hopefully there will be no other costs to the City.

Vice Mayor French made a MOTION to APPROVE Resolution 4398 with an amended election date of November 6, 2007. Councilmember Carter SECONDED and Resolution 4398 (amended) was UNANIMOUSLY APPROVED.

9. ANNOUNCEMENTS BY MAYOR & COUNCILMEMBERS

Councilmember Deering stated that he would like to see more information on the Castle Rock and Airway intersection improvements. Paul Beecher stated that this will be covered at the CIP meeting.

Councilmember Carter made a MOTION to ADJOURN. Councilmember Lyons SECONDED and the meeting was UNANIMOUSLY ADJOURNED.

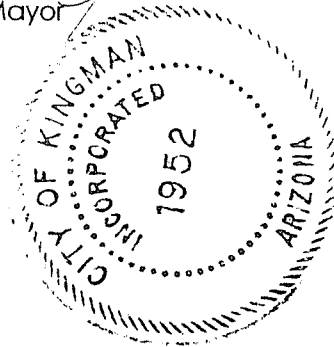
ADJOURNMENT

ATTEST:

APPROVED:

Deborah Francis
Deborah Francis
City Clerk

Lester Byram
Lester Byram, Mayor



STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)

CERTIFICATE OF COUNCIL MINUTES

I, Jenna Marshall, Deputy City Clerk of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Work Session and Regular Meeting of the Common Council of the City of Kingman held on February 5, 2007.

Dated this 8th Day of February 2007


Jenna Marshall
Jenna Marshall, Deputy City Clerk

CITY OF KINGMAN
MEETING OF THE COMMON COUNCIL

DATE: Feb 5 2007

PLEASE PRINT

-
- 1 BILLIE & Doug DICKMEYER
 - 2 Randy Lee
 - 3 HAROLD PERITT
 - 4 Penny Cross
 - 5 IRVING OLSON
 - 6 BILL DELMAR
 - 7 JENICE VANDAGRIFF
 - 8 George Cook
 - 9 Jim Chapman
 - 10 Mona Chapman
 - 11 GWEN GILMAN
 - 12 MIKE BILUNIAK
 - 13 Luis Vega
 - 14 FRED LINGENFELTER
 - 15 Peter Proffit
 - 16 Andrew Fols
 - 17 Robert Geringer
 - 18 John GALL
 - 19 John G. Lingenfelter
 - 20 CRIS SCHITTER
 - 21 BLAKE SCHITTER
 - 22 Trevin Pennington
 - 23 Kenneth Hesketh
 - 24 Miyako Matsui
 - 25 LISA BRUNO
 - 26 Wayne Wissing
 - 27 Percy Andrews
 - 28
 - 29
 - 30

<p>TERRY GODDARD Attorney General</p>	 <p>OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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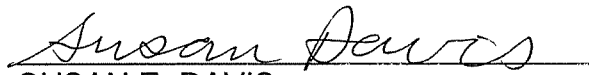
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR06-1266TRN (**JPA 06-101-I**), an Agreement between public agencies, i.e., The State of Arizona and City of Kingman, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: March 7, 2007

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:1003008
Attachment